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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Second periodic reports of States parties due in 1992

Addendum

SUDAN*

[6 December 1996]

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* For the initial report submitted by the Government of Sudan, see CCPR/C/45/Add.3; for its consideration by the Committee, see CCPR/C/SR.1065 to SR.1067 and Official Records of the General Assembly, Forty-sixth Session, Supplement No. 40 (A/46/40), paras. 492 to 521.

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Article 1

1. By concluding the "Agreement Between the Egyptian Government and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Self-Government and Self-Determination for the Sudan" of 1953 (annex 1), the two colonial masters reflected their firm belief "in the right of the Sudanese people to self-determination and the effective exercise thereof at the proper time and with the necessary safeguards" which were provided for in that Agreement. In order to enable the Sudanese people to exercise self-determination in a free and neutral atmosphere, a transitional period providing full self-government was made mandatory by article 1 of the Agreement. During the transitional period the sovereignty of the Sudan was to be kept, according to article 2, in reserve for the Sudanese people until self-determination was achieved.

2. To provide for the free and neutral atmosphere requisite for self-determination a Mixed Electoral Commission of seven members was constituted pursuant to article 7 of the Agreement to conduct free, fair and democratic elections. The Commission was appointed by the Governor-General of the Sudan on the instructions of the two Contracting Governments (United Kingdom-Egypt) and was composed of three Sudanese, one Egyptian citizen, one citizen of the United Kingdom, one citizen of the United States of America, and one Indian citizen to chair the Commission.

3. According to the Agreement the transitional period was limited to three years, and was brought to an end in the following manner:

(a) The Sudanese Parliament passed a resolution expressing its desire for arrangements for self-determination to be put in motion, and thereafter the Governor-General notified the two Contracting Governments of the resolution;

(b) The Sudan Government drew up a draft law for free, fair and democratic elections for the Constituent Assembly, and the Parliament approved that law with the consent of the Governor-General and the Commission;

(c) Detailed preparations for the process of self-determination, including safeguards assuring the impartiality of the elections and any other arrangements designed to secure a free and neutral atmosphere, were subjected to international supervision provided for in article 10 of the Agreement.

4. The freely elected Constituent Assembly exercised the right to self-determination and decided to declare the Sudan, on 19 December 1955, a unitary independent State, bearing in mind that southern Sudan was fairly represented in the Constituent Assembly which adopted the Declaration. The declaration of independence adopted by the Constituent Assembly was further confirmed by all leaders of the political parties from northern and southern Sudan. Furthermore, the declaration of independence was recognized by all countries of the world including the two colonial masters, the United Kingdom and Egypt.

5. More information about the self-government period 1953-1955 which led to the declaration of independence is detailed in the Self-Government Statute of 1953 (annex 2).

6. As a matter of fact, southern Sudan was comparatively less developed when the Sudan achieved its independence. That was due, to a large extent, to the closed-districts policy implemented by the British since the 1920s. The policy restricted the movement of people, capital and goods from northern to southern Sudan. This has been the main instigator of the conflict between southern and northern Sudan which flared up to an armed confrontation more than 40 years ago. No solution to the conflict was successful until 1972 when the Southern Provinces Regional Self-Government Act (annex 3) was promulgated as a result of lengthy peace talks which were intended to address the claims of southern Sudan for a fair share of wealth and power.

7. Regarding the sharing of power, we notice that the Act vested the legislative organ in the south with vast legislative powers for the preservation of public order, internal security, efficient administration and development of the southern region of the Sudan in the cultural, economic and social fields, and in particular in the following matters:

(a) Promotion and utilization of regional financial resources for the development and administration of the southern region of the Sudan;

(b) Organization of the machinery of the regional local administration;

(c) Legislation on traditional law and custom within the framework of national laws;

(d) Establishment, maintenance and administration of prisons and reformatory institutions;

(e) Establishment, maintenance and administration of public schools at all levels in accordance with national plans for education, economic and social development;

(f) Promotion of local languages and cultures;

(g) Town and village planning and the construction of roads in accordance with national plans and programmes;

(h) Promotion of trade, establishment of local industries and markets, issue of traders' licences and formation of cooperative societies;

(i) Establishment, maintenance and administration of public hospitals;

(j) Administration of environmental health services, maternity care, child welfare, supervision of markets, combating of epidemic diseases, training of medical assistants and rural midwives, establishment of health centres, dispensaries and dressing stations;

(k) Promotion of animal health, control of epidemics, improvement of animal production and trade;

(l) Promotion of tourism;

(m) Establishment of zoological gardens, museums, organization of trade and cultural exhibitions;

(n) Mining and quarrying, without prejudice to the rights of the central Government on the discovery of natural gas and minerals;

(o) Recruitment to and organization and administration of the services of the police and prisons in accordance with national policies and levels;

(p) Land use according to national law and plans;

(q) Control of pests and plant diseases;

(r) Development, use and protection of forest products and pastures according to national laws;

(s) Development and promotion of self-help schemes;

(t) All other matters respecting which the President may authorize the People's Regional Assembly to legislate.

8. Regarding the sharing of wealth, the legislative organ in the south (The People's Regional Assembly) was given the power to levy regional duties and taxes in addition to national and local duties and taxes and to make laws and orders to guarantee the collection of all public monies at different levels. On the other hand, many sources of revenue were granted to the southern region of the Sudan, including the following:

(a) Direct and indirect regional taxes;

(b) Contributions from People's Local Government Councils;

(c) Revenue from commercial, industrial and agricultural projects in the southern region of the Sudan, in accordance with the national plan;

(d) Funds from the national treasury for established services;

(e) Funds voted by the People's Assembly, in accordance with the requirements of the southern region of the Sudan for development within the Regional Development Plan;

(f) The social development budget for the southern region of the Sudan, as presented by the People's Regional Assembly for the acceleration of the economic and social advancement of the southern region as envisaged in the Declaration of 9 June 1969;

(g) Revenues to be determined in a special schedule attached to a Financial Law;

(h) Any other sources.

9. In 1983 there was a strong belief among many southern Sudanese that the Government had violated the provisions of the Southern Provinces Self-Government Act of 1972 and, therefore, the armed conflict erupted once again.

10. Immediately after assumption of power in 1989, the current Government of the Sudan has given the issue of self-determination and self-government a top priority on its agenda and, as a consequence of the Political Dialogue Conference, the (Founding of Federal Government) Fourth Constitutional Decree, 1991 (annex 4) was promulgated on 4 February 1991 providing for a federal system dividing the Sudan into nine states to guarantee a fair distribution of power and wealth.

11. Article 9 of the Constitutional Decree has given the states (including the three southern States (Upper Nile, Bahr El-Ghazal and Equatoria States) the right to exercise, within the boundaries of each state, the following powers:

(a) Government of the state, and its good administration and taking care of its interests and public order, subject to coordination with federal plans;

(b) Planning and development;

(c) Taxes and fees, at the state level, in accordance with the provisions of federal legislation;

(d) Organization of internal trade, supply, cooperation and small industries;

(e) Agriculture and forests, with the exception of federal forests;

(f) Organization and taking care of animal and wildlife wealth;

(g) Housing schemes;

(h) Organization and promotion of tourist activities;

(i) Water supply and organizing the utilization thereof;

(j) Rendering health services and the establishment of medical and health-care centres;

(k) Establishment and supervision of public education utilities, within the framework of federal plans;

(l) Development of local government in the state, and supervision of the establishment and performance of the institutions thereof, in accordance with the provisions of the law;

(m) Roads and means of internal communication;

(n) Protection of the environment, within the framework of federal planning and cooperation;

(o) Such other powers as may be conferred by federal legislation or delegated by an executive order by the Federal Government.

12. In addition to those wide powers the legislative and executive federal organs and the states shall, in accordance with federal legislation, jointly exercise the following powers, namely:

(a) Construction planning;

(b) Disposal of land;

(c) Supervision of the public service;

(d) Cultural planning;

(e) Conducting statistics;

(f) Laying down the environment protection policy;

(g) Organization of border trade.

13. Regarding the distribution of wealth, article 34 of the Decree has provided that the revenue of the states shall comprise the following:

(a) The following local taxes and fees:

(i) Animal tax;

(ii) Ushur (tithe);

(iii) Amusement tax;

(iv) Premises tax;

(v) River-land tax;

(vi) Date palm tax;

(vii) Local rates;

(viii) Trade licence fees;

(ix) Health fees;

(b) Federal subsidy;

(c) A percentage, to be prescribed by the Federal Government, from the profits of any of the commercial, industrial, agricultural and mining federal projects;

(d) The revenue from the following:

(i) Investments and commercial, agricultural and industrial business pertaining to the state;

(ii) Fines and fees of the peoples' and administrative courts;

(iii) The business profits tax on individuals;

(iv) Capital profits from the sale of estates and motor cars;

(v) Motor car tax;

(e) The income of federal government estates in the state;

(f) Sales tax on services;

(g) Internal loans and grants;

(h) Self-help.

14. Regarding the application of Islamic penal legislation, the southern states are expressly exempted from such application by section 5 (3) of the Criminal Act of 1991 (annex 18). Moreover, article 25 (2) of the Fourth Constitutional Decree provides that laws in the southern states shall be promulgated as follows:

(a) The Peoples' Salvation Committee in the state concerned shall pass bills in accordance with the procedures provided for in its Organization of Business Regulation made by the Revolutionary Command Council (RCC);

(b) No bill shall become law, unless it has been passed by the Peoples' Salvation Committee in the state concerned, and signed by the wali (governor);

(c) Where the wali deems it appropriate to veto a bill passed by the Peoples' Salvation Committee in the state concerned, he shall remit the same thereto within 30 days, accompanied by the grounds of the veto thereof, and where he does not remit the same within the foregoing time, it shall be deemed to be a promulgated law. Where he remits the same within the foregoing time to the said Committee, and the Committee passes the same again by the majority of two thirds of the members thereof, it shall be deemed to be a promulgated law;

(d) The Peoples' Salvation Committees in the southern states shall table all the laws promulgated thereby, with both the RCC and the Transitional National Assembly;

(e) Pending the establishment of the legislative organs of such States, the RCC may repeal any legislation promulgated therein which is inconsistent with the provisions of any federal legislation, or with the public interest.

15. The Twelfth Constitutional Decree of 1995 (annex 5) is a further and more advanced step towards even more fair sharing of power and wealth between northern Sudan and southern Sudan, which was divided by the Decree into 10 States: Upper Nile; Bahr Eljabal; The Lakes; Jongolie; Eastern Equatoria; Northern Bahr Elghazal; Western Equatoria; Western Bahr Elghazal; Warab; Unity.

16. Regarding sharing of powers, the states (including the 10 southern states) were given powers, subject to federal plans, to legislate, execute or generally plan, within the limits of the State, in relation to the following matters:

(a) Government of the state and its good administration, taking care of its interests and public order, subject to the general policy;

(b) Developmental and economic planning;

(c) State taxation and excise;

(d) Commerce, supplies, cooperatives and industry;

(e) Agricultural lands, state forests, animal wealth, wildlife and the maintenance thereof;

(f) Housing and construction;

(g) Tourism and environment;

(h) Exploiting waters and electric energy within the state;

(i) Health;

(j) Education;

(k) Public service and local government;

(l) Roads and facilities for transportation and communication within the state;

(m) Social welfare, women's affairs, youth, sports, maternity, childhood and other affairs;

(n) Cherishing of arts and culture.

17. Regarding concurrent powers, the federal and state organs were given the following powers subject to federal provisions:

(a) Supervision of public service;

(b) Regulation of information and culture by inter-state media;

(c) Statistics;

(d) Regulation of border trade;

(e) Survey

provided that there shall be established, by federal Acts, National Councils to undertake the reallocation to the Federation and the states of lands, forests, means of transportation and animal wealth.

18. Regarding the sharing of wealth, the states' revenues were made to consist of the following:

(a) Business profit tax, provided that 40 per cent thereof is allocated to local councils;

(b) Excise on state industries;

(c) Sales tax on purchase of state lands;

(d) Revenues of state services.

19. Furthermore, the revenues of local councils were made to consist of the following:

(a) Estate tax;

(b) Sales tax;

(c) Agricultural and animal production tax, provided that 40 per cent thereof shall be allocated to the state;

(d) Local roads and river transport tax;

(e) Excise on local industries and handicrafts.

20. Also a National Fund is established by a federal Act for the support of the low revenue states, to guarantee the equitable division of revenues. The Fund consists of the First Vice-President as chairman and representatives of federal and state governments. The revenues of the National Fund consist of the following:

(a) Contribution of the Federal Government;

(b) Contribution of the states, as determined by the Fund for economically more advanced States;

(c) Endowments and loans.

21. According to Part I, paragraph 2 of the Vienna Declaration and Programme of Action of 1993, the right of self determination "shall not be construed as

authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction of any kind (emphasis added)."

22. Therefore, the existence of a Government representing the whole people belonging to the territory without distinction of any kind has become a relevant issue for self-determination. Fully aware of that reality, the current Government of the Sudan has promulgated the Thirteenth Constitutional Decree of 1995 (annex 6) and the Public Elections Act of 1995 (annex 7) according to which free, fair and democratic elections for the Parliament and the President of the Republic were conducted during March-April 1996. Consequently, we confidently submit that the peoples of the Sudan are now possessed of a Government representing the whole people belonging to the territory without distinction of any kind as stipulated by the Vienna Declaration and Programme of Action.

23. Nevertheless, the Government of the Sudan has concluded the Political Charter (annex 8) on 10 April 1996 which was accepted by the majority of the rebel factions, and which has given southern Sudan the right to a referendum to determine their political aspirations.

24. Therefore, we conclude our report on this aspect of the International Covenant on Civil and Political Rights by noting that the Government of the Sudan has done more than what is required in the area of self-determination.

25. Finally, and in the light of the above-detailed explanations of the constitutional and political processes which allow for the exercise of the right of self-determination, we submit that the peoples of the Sudan are enjoying the right of self-determination and by virtue of that right they can freely determine their political status and pursue their economic, social and cultural development.

26. The Government of the Sudan, being a Government representing the whole people as explained above, has, by adopting a free market policy, privatization and effective development policies, created a conducive atmosphere enabling the peoples of the Sudan to dispose freely of their natural wealth and resources for their own ends. By so doing, the Government of the Sudan has, in fact, eliminated all factors and difficulties which prevent the free disposal of the national wealth and resources contrary to the provisions of article 1 (2) of the Covenant. On the other hand, the Sudan, being one of the least developed countries (LDCs), is still waiting for the measures called for by the Vienna Declaration and Programme of Action which would help in the utilization of the natural wealth and resources, since the free disposition called for by article 1 (2) of the Covenant would be meaningless if the country concerned has no technical and financial ability to utilize such natural wealth and resources.

27. The measures called for by the Vienna Declaration and Programme of Action include the following:

(a) The LDCs committed to economic reforms, many of which are in Africa, should be supported by the international community in order to succeed in their economic development;

(b) The international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development;

(c) Lasting progress towards the implementation of the right to development also requires equitable economic relations and a favourable economic environment at the international level;

(d) Everyone has the right to enjoy the benefits of scientific progress and its applications;

(e) The international community shall make all efforts to help alleviate the external debt burden of developing countries, in order to supplement the efforts of the Governments of such countries to attain the full realization of the economic, social and cultural rights of their people;

(f) The existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights; its immediate alleviation and eventual elimination must remain a high priority for the international community.

28. In fact, the Government of the Sudan has options besides waiting for the measures to be taken by the international community, namely, the adoption of a self-reliance policy so as to make the maximum progress possible in the realization of the natural wealth and resources, until the international community lives up to its obligations referred to above. On the other hand, the Government of the Sudan is fully aware of the fact that the free disposition of the natural wealth and resources should be without prejudice to any obligations arising out of international economic cooperation and, therefore, it has already ratified the Vienna Convention on the Law of Treaties which makes obligations arising from international agreements prevail over other obligations arising from national laws. Nevertheless, we point out the fact that the failure of the international community to live up to its obligations, referred to above, would definitely result in the peoples of the Sudan being deprived, to a large extent, of their own means of subsistence, in contravention of article 1 (2) of the Covenant, and would negatively affect the enjoyment of the peoples of the Sudan of other rights set forth in the Covenant.

29. The recorded stand of the Government of Sudan in all relevant international forums is evidence that it has been promoting the realization of the right of self-determination, and is respecting that right, in conformity with the provisions of the Charter of the United Nations. And on the national level we have already explained the extent of promotion and respect accorded to the right of self-determination by the Government of the Sudan.

Article 2

30. The steps and measures that have been taken to implement the Covenant at the national level, and which reflect a clear undertaking by the Government of

the Sudan to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, are summarized in the following paragraphs.

31. For the first time in the history of the Sudan the principle of non-discrimination has been enshrined in the constitutional arrangements, in particular the Seventh Constitutional Decree (annex 9). According to the Political Charter, the Public Elections Act and the Thirteenth Constitutional Decree, already referred to, citizenship is the basis of rights and duties in furtherance of the values of justice, equity, freedom and human rights. Also, the Political Charter and the Seventh Constitutional Decree have recognized cultural diversity in the Sudan, and the peoples of the Sudan have been encouraged to freely express the values of such diversity. Therefore, the constitutional arrangements have recognized the Sudan as a democratic, multicultural and multi-ethnic society. The official language, which serves also as intermediary to the many cultures in the different states, is Arabic, which is spoken by all citizens. The other indigenous languages are recognized as part of the national culture.

32. Pursuant to the legal system of the Sudan, citizenship could be conferred by birth or by naturalization after having lived in the country as an immigrant for the duration specified by law. As of late, laws of the Sudan have recognized dual nationality. Neither marriage nor its dissolution changes the nationality of the spouses.

33. Aliens enjoy almost the same rights as nationals, with the exception of some political rights, such as the right to vote and to be elected to public office. In the Sudan all citizens, men and women, enjoy the free and effective exercise of all rights, including civil and political rights.

34. Equality before the law is guaranteed, without distinction of any kind such as race, colour, sex, language, religion, political opinion, social origin, economic situation, birth or any other social condition.

35. In the Sudan there is a de jure and a de facto equality of sexes. Women have the same rights and opportunities as men in all spheres of life. To cite one example, in the instance of employment, the percentage of women in the Ministry of Finance is 75 per cent of the workforce (annex 10). Moreover, they are entitled to equal pay.

36. Freedom of religion and conscience, whether individual or collective, private or public, is recognized in the Sudan, and this will be explained in more detail when commenting on article 18.

37. Political rights, and in particular the right to vote and to be elected to public office, are guaranteed by the Public Elections Act of 1995 (annex 7) and the Thirteenth Constitutional Decree of 1995 (annex 6). The conditions qualifying a citizen to vote are only the following:

(a) To be a Sudanese national;

(b) To have attained 18 years of age;

(c) To be of sound mind;

(d) To be resident in the relevant constituency for a period of not less than three months at the date of the closure of the election roll.

38. The conditions qualifying a citizen to be a member of Parliament are only the following:

(a) To be a Sudanese national;

(b) To have attained 21 years of age;

(c) To be of sound mind;

(d) To have an ability to read and write;

(e) Not to have been convicted within the last seven years of a crime affecting dignity or honesty.

39. Regarding the activities undertaken in order to familiarize the authorities concerned and the public at large with the contents of the Covenant, we refer to the efforts of the Government in establishing a Government Human Rights Coordination Committee in 1992 wherein all government institutions concerned with human rights are represented, e.g. the police, the security service, the army, the Foreign Office, and the Ministry of Justice. That Committee was later upgraded to become the Advisory Council for Human Rights chaired by the Minister of Justice, and was given powers in the field of human rights including familiarizing the authorities and the public with the contents of the Covenant. The Council has in fact made tremendous efforts in that connection. The most recent activity of the Council is the establishment in the 26 states of the Sudan of Human Rights Education chaired by the state minister of education. Such efforts were actually noted with pleasure by the High Commissioner for Human Rights in his letter of 25 April 1996 (annex 11).

40. Along the same lines, and as a clear commitment of the Government of the Sudan to familiarize the authorities concerned with the contents of the Covenant as part of their training, the Ministry of Interior has introduced human rights as a new subject in the syllabuses of the Police College as of the academic year 1993/94.

41. The measures which have been adopted to ensure the enjoyment of the rights enshrined in the Covenant include the following:

(a) The provisions in section 4 of the Criminal Procedures Act of 1991 to the effect that the accused is presumed innocent until proved otherwise, that penal laws shall have no retroactive effect, and that the accused shall not be forced to produce evidence against himself;

(b) Section 89 of the Criminal Act of 1991 which incriminates any act committed by any official of the Government in contravention of the laws, as being an offence punishable with imprisonment for a period not exceeding two

years or with a fine or by both. Section 90 of the same Act makes any arrest or detention in contravention of the law an offence, also punishable with imprisonment for a period not exceeding three years and with a fine;

(c) Section 48 of the National Security Act (annex 27) which incriminates misuse of power as an offence punishable with imprisonment for a period not exceeding 10 years or with a fine or with both.

42. The activities undertaken by the Government of the Sudan in order to ensure that the provisions of the Covenant and the rights under it are made known to citizens within the Sudan include the provisions of the Interpretation of Laws and General Clauses Act which make the publication of laws (including human rights treaties ratified by the Sudan) mandatory.

43. The remedies which are available for victims whose rights or freedoms recognized in the Covenant are being violated include the following:

(a) The Thirteenth Constitutional Decree and the Constitutional and Administrative Courts Act of 1996 (annex 12) which provides that any person aggrieved by any action, taken by the President of the Republic, the Council of Ministers, state governments, federal or state ministers in violation of human rights, shall have the right to challenge such action before the courts of law. Furthermore, the Constitutional and Administrative Courts Act of 1996 provides for the compensation of such aggrieved person;

(b) Article 68 of the Thirteenth Constitutional Decree provides that the constitutionality of any legislative action can be challenged before the Supreme Court if such action violates any of the human rights;

(c) Violations of many human rights are made offences punishable with imprisonment or with a fine or with both under the Criminal Act of 1991, e.g. forced labour (sect. 163), illegal detention (sect. 164), illegal arrest (sect. 165), invasion of privacy (sect. 166), abduction (sect. 162), acts affecting the proper administration of justice, e.g. torture of witnesses or accused persons (sect. 115), instigation of hatred because of ethnic origin, colour, or language (sect. 64);

(d) According to section 34 (2) of the Criminal Act of 1991, the court may order compensation for any person against whom any of the above-mentioned offences has been committed, that is to say, any of his human rights has been violated;

(e) Chapter Three of the Civil Transactions Act of 1984 (sects. 138-163) deals in great detail with injuries, in particular injuries caused by officials of the Government. Moreover, the chapter also deals with measures for assessing the compensation and methods for payment of the compensation. In addition, compensation shall be paid even if the injury is not physical;

(f) The Treatment of Detainees Regulation of 1996 (annex 13) provides for standards of treatment of detainees compatible with human rights, including judicial supervision.

44. As regards the practical application of such remedies and the results of the application during the reporting period, we refer as an example to the fact that one security officer has been executed on 18 June 1995 because of use of excessive power, and that the Government has paid compensation to a citizen because of an injury caused by a security official. The details about the law enforcement officers subjected to legal proceedings because of excessive use of force are included in annex 20.

Article 3

45. Since independence in 1956, the Sudan has been keen to guarantee the equality of men and women in the field of human rights. The main legislation which confirms this equality is the Constitution of the Republic of the Sudan 1956, the Amended Constitution of the Sudan 1964, the Permanent Constitution of the Sudan 1973, the Seventh Constitutional Decree 1993, the Public Service Act 1991, and the Thirteenth Constitutional Decree of 1996.

46. As far as employment opportunities are concerned, the 1991 Public Service Act (annex 14) has recognized the absolute equality of women and men. And annex 10 hereto shows that the percentage of women in many government institutions is very high. Also under the Public Service Act of 1991 women enjoy the right of equal pay with men, in addition to many other privileges not available for men.

47. According to the 1993 census the percentage of females in the total population is 49.28 per cent; 89 per cent of the economically active women work in agriculture, while only 4 per cent work in the industrial sector. On the average, the percentage of females in the public service is 10 per cent, despite the fact that their percentage in many government institutions is relatively high.

48. According to the Seventh Constitutional Decree women enjoy equal political rights. And according to the Public Elections Act of 1995 women are equally qualified to vote in any public elections. Moreover, by the Thirteenth Constitutional Decree women are also qualified to compete for the office of the President of the Republic and for membership in the Parliament.

49. In the largest agricultural scheme in the Sudan (Gezira), 50 per cent of the agricultural labour force are women, and the percentage reaches 80 per cent in western and southern Sudan.

50. The percentage of females in higher education during the period 1988-1993 is as follows:

University	1988/89	1989/90	1990/1991	1991/1992	1992/1993
Khartoum	38.1	40.1	43.1	51.1	50.2
Juba	26.1	23.1	46.9	30.8	33.9
Gezira	32.1	33.3	40.3	39.6	39.9
Sudan University for Science and Technology	20.9	25.2	29.0	28.9	31.6

51. Being firmly committed to its obligations as a State Member of the United Nations and many regional organizations, the Republic of the Sudan has always been receptive to international efforts to eliminate policies and practices that discriminate against women in the society. In that connection the Sudan has welcomed the establishment of an office in 1974 for the development of women. Also, the 1979 FAO Conference on Rural Development was well received by the Sudan. Moreover, the Sudan has participated in the Organization of African Unity plan for the recognition of the vital role of women in solving food problems. Also, according to the report of Ambassador Halima Warzazi before the Sub-Commission on the Prevention of Discrimination and Protection of Minorities (August 1996), the Sudan is one of three countries, worldwide, which have responded positively to the international efforts to eradicate harmful traditional practices.

52. In furtherance of the above-mentioned international and regional initiatives, a national conference on the role of women in agriculture and rural development was convened by the Sudan in 1995. The recommendations of the conference covered many areas including education, social welfare, legislation and information. Consequently, a 10-year plan was drawn up to achieve the following:

(a) Removal of obstacles to women's development and their integration into development projects;

(b) Granting women all legal and political rights;

(c) Strengthening capabilities of women to participate in policy-making, project planning, implementation and follow-up;

(d) Promotion of the economic capabilities of women by increasing their access to production inputs;

(e) Encouragement of women to start small projects in the industrial fields;

(f) Promotion of infant health care services and family planning and reducing mother/child mortality rates, through intensive vaccination programmes. In this connection, we refer to the fact that the coverage of the recent child vaccination programme (1996) reached 95 per cent.

(g) Training of women in general health, environment and hygiene, as well as raising health awareness in general;

(h) Education to decrease illiteracy and eventually eradicate it altogether;

(i) Eradication of all harmful traditional practices, and in this connection a seminar has already been held in Khartoum (1995) to discuss female circumcision.

53. The mechanism for implementing the above-mentioned national plan is the Women's Coordinating Unit in the Ministry of Finance which was established in 1995. The efforts of that unit have made it eligible to receive financial support from the United Nations Development Programme and some western countries.

54. The activities of the government body (Department of Legislation, Ministry of Justice) undertaking the review of the legislation affecting the enjoyment of rights by women include the drafting of the relevant laws contained in annexes 6, 7, 9 and 14.

55. Family matters and the equal rights between spouses, and between spouses and children are governed by different legal regimes according to the beliefs of the individual concerned, since the Sudan is a multi-ethnic, multi-religious and multicultural country. Thus, Muslims are governed in family matters, by laws different from the laws governing Christian family matters, and likewise citizens with traditional beliefs are governed by the customs and traditions of the tribe. The legal details of those arrangements are detailed in the Non-Muslims Marriage Act, 1926 (annex 15). Furthermore, the claim that females are entitled to half the share of males in inheritance is not accurate, since in many instances, a female would be entitled to more than the share of a male.

56. As regards the impact of marriage on the nationality of women and children, see the Sudanese Nationality Act (annex 16).

Article 4

57. By article 6 of Constitutional Decree No. 2, the Revolutionary Command Council (RCC) has declared a state of emergency in the Sudan as of 30 June 1989. In doing so the RCC has relied on article 4 of Constitutional Decree No. 1 which makes the RCC the highest constitutional and executive authority in the Sudan. The Sudan has notified the Secretary-General of the United Nations of the articles of the Covenant that the Sudan has derogated from.

58. The Thirteenth Constitutional Decree has repealed article 4 of Constitutional Decree No. 1 and the power to declare a state of emergency was granted to the President of the Republic subject to the approval of the Parliament.

59. According to Constitutional Decree No. 2 the following emergency powers may be exercised:

(a) Acquisition of moveable and immovable property with or without compensation if public interest so requires, or if it is connected with any contravention of the law, until the matter has been investigated or the judicial organs have decided upon the issue;

(b) Prohibition or restriction of movement of persons and commodities. And in this connection we refer to the fact that a night curfew was declared in the capital city of Khartoum from 10 p.m. to 4 a.m. since 30 June 1989, but has been lifted as of 1994;

(c) Call any person for military or national service if the national security so requires, provided that it shall be paid for. Bearing in mind that no one has ever been called for compulsory military service and that the national service has been regulated subsequently by the National Service Act, 1992 (annex 17) for all citizens without any discrimination and without the need to use emergency powers;

(d) Termination of the service of any public employee, provided that post-service benefits shall be granted. However, the exercise of such power has been reviewed altogether, and most if not all persons were reinstated in their public offices, and where there is a practical difficulty in so doing, the persons concerned have been adequately compensated by the committee established by a presidential decree to undertake such review;

(e) Termination of any government contract, provided that the other party shall be adequately compensated;

(f) Detention of any person threatening the national security, provided that any orders made in this connection shall be appealable to the RCC. Also, political opposition, group abstention from work, and illegal assembly for political purposes were prohibited. However, detention is now regulated by the legislations contained in annexes 13 and 27.

60. Currently, all the above-mentioned emergency powers are rarely exercised since the Thirteenth Constitutional Decree has subjected the state of emergency to new procedures and the law currently governing the state of emergency pursuant to the Thirteenth Constitutional Decree includes articles 4 and 5 of the Covenant and in particular the following safeguards:

(a) The derogation from the obligations under the Covenant shall be limited to the extent strictly required by the exigencies of the situation;

(b) The measures taken shall not be inconsistent with other obligations under international law and do not involve discrimination solely on the grounds of race, colour, sex, language, religion or social origin;

(c) There shall be no derogation from the following articles of the Covenant: 6, 7, 8 (paras. 1 and 2), 11, 15, 16 and 18;

(d) In case of declaration of a state of emergency, the Sudan shall inform other States parties to the Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated, and the reasons which have activated it, and a further communication shall be made on the date on which the derogation is terminated;

(e) Nothing in the Covenant shall be interpreted as implying any right to engage in any activity, or perform any act aimed at the destruction of any of the rights and freedoms recognized by the Covenant, or at their limitation to a greater extent than is provided for in the Covenant;

(f) There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in the Sudan pursuant to law, conventions, or custom, on the pretext that the Covenant does not recognize such rights, or that it recognizes them to a lesser extent.

61. Furthermore, the national law makes the Covenant prevail over all national laws.

62. Regarding the mechanisms available to review the correct exercise of the emergency powers by the different State authorities during the period of emergency, we explain that such powers are subject to judicial review under the Thirteenth Constitutional Decree and the Constitutional and Administrative Courts Act of 1996 (annex 12).

63. The exercise of the emergency powers has been very minimal and has been subsequently reviewed by the President of the Republic; as already noted all the cases of persons whose public service had been terminated have been reviewed to their satisfaction, and all political detainees up to July 1995 have been released and the political prisoners have been pardoned. Therefore, the state of emergency in the Sudan is intended as a deterrent because of the armed conflict in the south, but has no practical application since even in connection with the armed conflict there is an open-ended amnesty for any person who disassociates himself from the rebel factions. And, as we have already explained, many of the rebel factions themselves have joined the Political Charter of 1996 (annex 8).

64. The most recent case which proves that emergency powers are practically exercised in the most restrictive manner by the executive authorities without the need for any judicial intervention, is exemplified by the following case: on 27 January 1996 the Deputy Governor of Kassala State in eastern Sudan issued an acquisition order under article 6 (c) of Constitutional Decree No. 2 whereby the Deputy Governor confiscated, without compensation, 265 sacks of sorghum and 506 sacks of sesame. After prompt and thorough investigations by order of the President of the Republic, the acquisition order of the Deputy Governor was cancelled on June 1996 to the effect that the confiscated quantities of sorghum and sesame be returned back to their owners, and if such quantities have already been disposed of, adequate compensation, based on current market value, shall be paid by the Government of the State of Kassala.

Article 6

65. The Government of the Sudan recognizes the fact that every human being has the inherent right to life. Therefore, such right is protected by law in such a manner that no one shall be arbitrarily deprived of his life. Moreover, even in case of emergency, such right to life will not be derogated from, as we have already explained.

66. Like many countries of the world, the Sudan has not abolished the death penalty because the Parliament has not deemed it appropriate to do so, but the sentence of death is only imposed for the most serious crimes as detailed in annex 22.

67. According to section 4 of the Criminal Act (annex 18), no penal legislation has retroactive effect and is not contrary to the provisions of the Covenant or the Convention on the Prevention and Punishment of the Crime of Genocide. According to section 180 of the Criminal Procedures Act, 1991, the death penalty is subject to appeal, and according to section 181 of the same Act, it is also subject to the confirmation of the Supreme Court.

68. The Government of the Sudan is fully aware that when deprivation of life constitutes the crime of genocide, nothing in article 6 shall authorize the Sudan, being a party to the Covenant, to derogate in any way from any obligation issued under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

69. According to the Criminal Procedures Act of 1991, no death penalty shall be executed without the consent of the head of State. According to sections 208, 209 and 210 of the same Act, anyone sentenced to death or any other lesser penalty shall have the right to seek commutation of the sentence from the head of the State, and in fact there have been many instances of commutation detailed in annex 36.

70. Under section 211 of the same Act, also anyone sentenced to death shall have the right to seek pardon from the head of the State. And in addition to the many instances of pardon granted by the head of State there is an outstanding amnesty for any member of the rebel factions holding arms against the Government, if such member chooses to stop fighting and returns back home, as we have already explained. Also, the death penalty would not be executed if the accused or his relatives are willing to pay blood money as provided for by section 194 of the Criminal Procedures Act of 1991, and section 42 of the Criminal Act of 1991.

71. As for the obligation that the death penalty shall not be imposed for crimes committed by persons below 18 years of age and that it shall not be carried out on pregnant women, we refer to the following sections of the Criminal Act dealing with these aspects:

(a) Section 9 provides that a minor who has not reached the age of puberty shall not be deemed to have committed a crime, and that reformatory measures provided for in section 47 may be applied on the minor who has attained the age of seven years, if the court deems it appropriate;

(b) Section 8(1) read together with section 3 provides that there shall be no criminal responsibility on any person who has not reached puberty. Section 3 of the same Act assumes that any person who has reached the age of 18 years to have reached puberty;

(c) According to section 193 (2) of the Criminal Procedures Act of 1991, the Prisons Warden, if he is satisfied that the convicted person is a pregnant or a nursing woman, shall stop execution of the death penalty and refer the matter to the Chief Justice to adjourn execution until delivery, or until the expiration of two years if the infant is born alive;

(d) According to section 193 (1) if the person sentenced to the death penalty has reached the age of 70 years of age, the execution shall be stopped and the accused referred to the High Court to pass an alternative punishment.

72. The Government of the Sudan has not invoked, and is not intending to invoke article 6 of the Covenant to delay or to prevent the abolition of capital punishment, since the justifications of the Government of the Sudan for maintaining the death penalty are totally different.

73. The Political Charter (annex 8), which is the outcome of many peace initiatives since 1989, is the most important measure adopted by the Sudanese Government to reduce the threat of the armed conflict in southern Sudan, bearing in mind that the Charter has been accepted, up to now, by the majority of the rebel factions. As for reducing the threat of war with other countries, the Government of the Sudan is keen to maintain good relations with all countries, and in particular neighbouring countries, based on the principle of non-interference in the internal affairs enshrined in the Charter of the United Nations.

74. The Government of the Sudan has increased life expectancy through the following measures:

(a) Reduction of infant mortality through fighting malnutrition and epidemics (consult WHO records);

(b) Protecting the environment by the promulgation of a wide range of legislation, e.g. the Public Health Act, the High Council for Environment and National Resources Act, the Forests Act and the School Health Act. Recently, and in order to strengthen the application of these detailed legislations, a federal ministry was established for the environment. Moreover, the Ministry of Justice has established specialized prosecution offices to prosecute all criminal offences against the environment under section 70 of the Criminal Act which provides punishment for any person polluting water resources, and section 71 which provides punishment for any pollution negatively affecting human beings, animals or plants.

75. Arbitrary deprivation of life is not tolerated in the Sudan, even if such act is committed by an official of the Government, be it a policeman, a soldier, a security officer, a member of the paramilitary troops of the Peoples' Defence Force or the Peoples' Police. There are some instances where these officials of the Government have exceeded their powers and caused loss of life, but such instances have been taken care of promptly by ordinary

courts of law. And more than once such officials have been sentenced to the death penalty for exceeding their powers and causing death unnecessarily. More specifically, on 18 June 1995 the death penalty was executed against one of the law enforcement officers of the Government.

76. Terrorist activities are now penalized by Sudanese laws for the first time, since section 144 of the Criminal Act of 1991 makes any terrorist act an offence punishable under that section.

77. Chapter Three of the Criminal Act 1991 (sects. 42-46) provides for the compensation of all victims of wrongful activities, whether committed by public servants or by private individuals. Furthermore, section 34 (1) of the same Act provides that the criminal court may order that the fine or part thereof be paid to any person suffering from the offence committed, if such person has not been granted compensation independently.

78. The rules and regulations governing the use of firearms by law enforcement officers are detailed in annex 19. They were intended as a measure to protect the inherent right of every human being to life. And as was indicated earlier, in some isolated incidents lives were lost as a result of excessive use of force by some members of the law enforcement agencies; immediate remedial measures were taken as detailed in annex 20.

79. The record of the Government of the Sudan in the area of disappearances is outstanding as evidenced by the United Nations document E/CN.4/1994/26 of 22 December 1993 (paras. 457-462), since only two cases were still unclarified according to that document. Nevertheless, by a letter dated 11 December 1995, 249 cases of disappearances were referred to the Government of the Sudan in order to investigate and provide information to the Working Group on Enforced or Involuntary Disappearances. In a prompt response thereto, the Government established an investigation committee on 4 February 1996 (annex 21). This initiative was welcomed by the Commission on Human Rights in 1996 in its resolution about the situation of human rights in the Sudan. In July 1996 the Committee made on-site visits to the Nuba Mountains area and was able to meet 34 of the persons alleged to have disappeared, and such interviews were well documented by video and camera, but the Committee has not yet completed its work and is intending to submit a second progress report in October 1996 to the Working Group. The first progress report was made verbally before the Working Group session held in New York from 2 to 7 June 1996.

80. The question of reducing or totally abolishing capital punishment is a matter left to the discretion of the Parliament which is currently maintaining the position not to abolish the death penalty.

81. In annex 22 we have listed all crimes punishable with the death penalty, explaining whether its application is mandatory or not.

82. Regarding the courts competent to impose capital punishment, we refer to section 6 of the Criminal Procedures Act of 1991 which classifies criminal courts into eight categories, namely, the High Court, the court of appeal, the general court, the first grade court, the second grade court, the third grade

court, the peoples' courts, and the courts established by the Chief Justice or by any other law. According to section 9 (1) of the same Act, only the general criminal court has the competence to impose capital punishment.

83. Regarding the procedures observed in connection with the crimes punishable with the death penalty, we refer to the following provisions of the above-mentioned Act.

(a) Section 106 (1) which prohibits release on bail, provided that the record shall be submitted to the head of the Judicial Authority concerned if the arrest continues for more than six months so he may make whatever order he deems appropriate;

(b) Section 135 provides that if the crime is punishable with more than 10 years' imprisonment, the Attorney-General, upon the request of the accused, shall appoint a lawyer to defend the accused, and the Government shall bear the costs totally or partially;

(c) Section 144 (3) provides that if the accused pleads guilty to an offence punishable with the death penalty, the court shall hear any evidence to be submitted by the prosecution, and shall draw the attention of the accused, in case the plea of guilty is the only evidence against him, that such plea is serious. Furthermore, the court shall adjourn the conviction to a period of time not exceeding one month;

(d) Section 4 (b) provides for prohibition of retroactivity of penal legislation;

(e) Section 4 (c) provides for the presumption of innocence;

(f) Section 4 (d) provides for the prohibition of ill-treatment and torture of the accused and for the protection of his property, and that the accused shall not be compelled to produce any evidence incriminating himself;

(g) Section 166 of the Criminal Act makes invasion of privacy a crime, and the Evidence Act (sect. 9 (a)) provides that illegally obtained evidence is not admissible before the courts.

84. Appeal, review and confirmation of the death penalty are governed by sections 179-189 of the Criminal Procedures Act. Pardon, commutation, and time limitation of conviction are governed by sections 208-211 of the same Act.

Article 7

85. The Treatment of Detainees Regulation (annex 13) and section 4 of the Criminal Act of 1991 provide a detailed legal regime for the proper application of the obligation that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, in particular that no one shall be subjected, without his free consent, to medical or scientific experimentation. In addition to that, section 89 of the Criminal Act punishes

any government official who contravenes the law to cause injury to someone and section 90 punishes misuse of power in cases of references to courts and in cases of detention.

86. Section 90 of the Criminal Act, read together with section 4 (d) of the Criminal Procedures Act, provides penalties for torture (imprisonment for a period not exceeding three years in addition to a fine), and we have already explained the compensation which the Criminal Act provides for the victims of torture, whether by way of compensation to be calculated in accordance with the Civil Transactions Act of 1984, or by payment of part of the fine. In addition, section 4 (h) provides that any injuries caused by the commission of the offence shall be compensated. However, according to section 49 of the National Security Act of 1994 the punishment for causing torture goes up to 10 years' imprisonment. And, as already mentioned, any declaration or confession obtained through torture is not admissible before the courts according to section 9 of the Evidence Act of 1993.

87. Regarding the measures taken to train law enforcement officers, the Committees for Human Rights Education established in the 26 states of the Sudan in response to the request of the Advisory Council for Human Rights (Sudan) is mandated, among other things, to train law enforcement officers on all human rights issues, as reflected in detail in the Plan of Action of Khartoum State's Committee (annex 23).

88. Regarding the time limits of detention, we refer to section 35 of the National Security Act 1994 which provides that the security officer can only detain for 72 hours, and the Director of National Security can extend the detention for one more month. We also refer to section 36 of the same Act which gives the National Security Council, chaired by the President of the Republic, the right to extend detention for three months, extendable to another three months provided that there shall be no further extensions except with the approval of the judicial authority concerned.

89. Regarding the measures adopted to ensure the right of detainees to receive visits and to maintain contacts with the outside world, we refer to the Treatment of Detainees Regulation of 1996 which provides that the security authorities are obliged to notify the family of the person detained or his employer, and that such person shall have the right to communicate with his family.

90. As for the procedures under which complaints about ill-treatment of individuals by law enforcement officers can be filed and are investigated, we refer to section 16 of the same Regulation which provides that the legal adviser to the Director of National Security shall receive all complaints filed by the detainees and submit them with his comments to the Director. Furthermore, section 17 of the same Regulation gives the detainee the right to file his complaint directly to the judicial authority which may summarily issue the order it deems appropriate.

91. Annex 20 contains the complaints of torture and ill-treatment filed against law enforcement officers and the results of such complaints.

92. Under the Asylum Act of 1974 expulsion of persons to countries where they might be subjected to torture because of the political opinions they hold is not allowed. There are many bilateral and regional agreements to which the Sudan is a party which provide for the same.

93. The above-mentioned Regulation and the Criminal Act also provide for medical care, and there are also provisions for detention in psychiatric hospitals in accordance with section 202 of the Criminal Procedures Act which provides for the adjournment of the court sessions if the accused is proved to be mentally sick during the court sessions, in accordance with section 49 of the Criminal Act.

94. Other than the provisions of the Criminal Act, there are no control mechanisms or other laws or practices governing experimentation on human beings. In fact, there is no such experimentation in the Sudan.

Article 8

95. The Sudan is a party to the Slavery Convention of 1926 and the Supplementary Convention of 1956; therefore, according to the laws of the Sudan, no one shall be held in slavery, and slavery and the slave trade in all their forms and manifestations are prohibited.

96. In this connection, we refer to the fact that many allegations regarding slavery have been levelled against the Government of the Sudan, and consequently the United Nations General Assembly, in its resolution of 1995 about the situation of human rights in the Sudan, has requested the Government of the Sudan to investigate such allegations. In response to that request, the Minister of Justice, being the Chairman of the Advisory Council for Human Rights in the Sudan, has promptly established an investigation committee (annex 24) and has delegated all the powers of the Attorney-General to the committee to investigate the allegations and prosecute any proven cases. The establishment of the committee has also been recognized by the resolution of 1996 of the Commission on Human Rights on the situation of human rights in the Sudan.

97. During the visit of Mr. Gáspár Biró, the Special Rapporteur of the Commission on the situation of human rights in the Sudan, to Khartoum during 1-7 August 1996, Mr. Biró met the Chairman and members of the committee and he was briefed about the progress of the investigations. Furthermore, and so as to involve the international community in such investigations, the Government of the Republic of the Sudan has invited, by its letter of 26 June 1996 (annex 25), the Working Group on Contemporary Forms of Slavery to send a delegation to the Sudan to verify the allegations of slavery, and specified that the delegation would be free to establish contacts with any person or group it deems necessary, and to visit all regions of the country. In addition, the Advisory Council for Human Rights has made the position of the Government clear on the question of slavery by an official statement issued on 18 July 1996 (annex 26).

98. Punishments such as hard labour are not provided for in the laws of the Sudan, and according to the Criminal Act forced labour is a crime. No compulsory work or service is required of a person who is under detention.

Services exacted in cases of emergency or calamity threatening the life or well-being of the community are done on voluntary basis or by government agencies and, therefore, are not regulated by law.

Article 9

99. In the Sudan everyone has the right to liberty and security of person, and deprivation of liberty is only exercised on such grounds and in accordance with such procedures as are established by the Criminal Procedures Act and the National Security Act (annex 27). Pursuant to those two Acts, anyone who is arrested or detained shall be informed, at the time of arrest or detention, of the reasons for arrest or detention, and shall also be promptly informed of any charges against him. Also, such person is allowed to contact a lawyer and his family.

100. According to the Criminal Procedures Act, the Minister of Justice is obliged to bring promptly before a judge anyone who is arrested or detained on a criminal charge, and such person is entitled to trial within a reasonable time. In that connection, the Minister of Justice has recently issued the Prosecution Offices Regulation to shorten the process of criminal investigations. Under the provisions of the Criminal Procedures Act, it is not the general rule that persons awaiting trial shall be detained in custody, since those provisions include a detailed system of release on bail which is mandatory in many instances. Furthermore, the Criminal Procedures Act provides that, even in cases where the law enforcement officer is entitled to arrest someone, he should not resort to arrest and should confine himself to issuing a note requesting that person to appear before him, unless the issuance of such note would lead to miscarriage of justice.

101. Also, according to the above-mentioned Acts and the Treatment of Detainees Regulation already referred to, anyone who is deprived of his liberty by arrest or detention shall be entitled to challenge such measures before the court since, according to the Criminal Act, unlawful detention is a criminal offence.

102. We have already explained how victims of an unlawful arrest or detention have an enforceable right to compensation.

Article 10

103. The Criminal Procedures Act, the National Security Act, and the Treatment of Detainees Regulation contain elaborate provisions guaranteeing that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

104. Accused persons are segregated from convicted persons and are subject to separate treatment appropriate to their status as unconvicted persons under the Prisons System in Sudan (annex 28), while persons convicted of prison sentences are kept separately and are subject to different treatment. Accused juvenile persons are separated from adults and are accorded treatment appropriate to their age; juvenile courts are established to guarantee the

proper administration of juvenile justice. There are also elaborate provisions for the treatment of prisoners intended to achieve their reformation and social rehabilitation.

105. Differences in treatment accorded in practice to accused persons as compared to convicted persons include clothing, since accused persons are allowed to stay in their ordinary clothes, and food, since the accused persons are allowed to receive food from their families. The provisions of the United Nations Minimum Standard Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials, and the Principles of Medical Ethics relevant for prison doctors are more or less contained in the prison regulations contained in annex 28 and, therefore, form part of the code of conduct of the prison staff. The regulations are accessible to prisoners since they have the status of law and are public documents. All practices followed during detention are in fact in implementation of the provisions of the prison regulations.

106. According to the Criminal Act, juvenile offenders receive special treatment aiming at their reformation and social rehabilitation, and the Prisons' Department has reformatory centres for that purpose.

Article 11

107. All contractual obligations in the Sudan are governed by the Civil Transactions Act, and whenever there is a dispute pertaining thereto, such dispute is conducted in accordance with the Civil Procedures Act 1983; therefore, no one would be imprisoned merely on the ground of inability to fulfil a contractual obligation.

Article 12

108. Everyone lawfully residing within the Sudan has the right to freedom of movement and to choose his residence and to leave the country. A concrete example of such rights is the fact that many persons, including Sayed Mohamed Osman Al Mirgani, Dr. Omer Nour Al Dayem and Mr. Aldo Ajo, have left the country after having obtained a lawful exit visa, and have chosen to stay abroad leading opposition against the Government of the Sudan. Such instances prove beyond any shadow of a doubt that the above-mentioned rights are only subject to legal restrictions necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and such restrictions are consistent with the other rights recognized in the Covenant. Also, no Sudanese is deprived of the right to enter the Sudan, and because of that many opposition and rebel leaders have returned to the Sudan.

109. There are also no requirements for the registration of persons in the Sudan for the purposes of restriction of movements, and all persons are free to move to any place in the Sudan.

110. The conditions for the issuance of travel documents (exit visas, entry visas, passports) and for the withdrawal of passports are elaborated in annex 16 and in the Passports and Immigration Regulation of 1996 (annex 29).

The number of applications submitted for exit visas, and the percentage of applications that were turned down and the reasons for that, are detailed in annex 30.

111. The requirements for the admission of aliens to the Sudan and the regulation of the movement of aliens are as in annexes 16 and 29.

112. There is no system of deportation of citizens outside the Sudan.

Article 13

113. An alien lawfully present in the Sudan can only be expelled therefrom in pursuance of a decision reached in accordance with annex 16 and annex 29. The number of expulsions of aliens during the reporting period and the reasons thereof are contained in annex 30.

114. The procedures for expulsion of illegal entrants and the procedures for reaching a decision on the legality or illegality of a person's entry or stay in the country are contained in annexes 16 and 29.

Article 14

115. The Judiciary Act 1986, the Civil Procedures Act 1983, the Criminal Procedures Act and the Thirteenth Constitutional Decree guarantee the following:

(a) All persons are equal before the courts;

(b) The independence of the judiciary is protected from the executive power by many legal guarantees;

(c) In the determination of any criminal charge or of the rights and obligations in any lawsuit, everyone in the Sudan is entitled to a fair and public hearing by a competent, independent and impartial court established by law;

(d) The press and the public may be excluded from all or part of a trial only for reasons of morals, public order, or national security, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary, in the opinion of the court, in special circumstances where publicity would prejudice the interests of justice;

(e) Any judgement rendered in a criminal case or in a lawsuit is made public except where the interests of juvenile persons otherwise require;

(f) Everyone charged with a criminal offence is presumed innocent until proved guilty, as already explained;

(g) In the adjudication of any criminal charge the accused has the right to be informed promptly, in a language which he understands, of the nature and cause of the charge against him, and also has the right to have

adequate time and facilities for the preparation of his defence, and to communicate with a counsel of his own choosing. In addition, he is entitled to be tried without undue delay;

(h) The accused has the right to be tried in his presence, and to defend himself in person or through legal assistance without payment, if he does not have sufficient means to pay for it;

(i) The accused has the right to examine the witnesses against him, and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(j) The accused has the right to be freely assisted by an interpreter if he cannot understand or speak the language used in the court;

(k) The accused has the right not to be compelled to testify against himself or to confess to guilt.

116. Everyone convicted of a crime has the right to have his conviction and sentence reviewed by a higher court. When conviction has been reversed or the convict pardoned because of new facts, the accused who has suffered punishment as a result of such conviction is entitled to compensation according to law, unless it is proved that the non-disclosure of the unknown facts is attributable to the accused.

117. No one shall be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law.

118. There are no extraordinary courts alongside the regular courts. Military courts operate under the Peoples' Armed Forces Act already referred to.

119. The organization and functioning of the Bar Association is regulated in detail by the Advocacy Act.

Article 15

120. We have already explained that no one in the Sudan shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under the national or international law applicable at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. However, in cases of offences where no final judgements have been passed, the provisions of the Criminal Act of 1991 shall be applied if they are beneficial to the accused. Also, the non-execution of Hudud punishments before the coming into effect of that Act shall be a cause for remitting such Hudud punishments in accordance with the provisions of that Act (sect. 4).

Article 16

121. Legal personality in civil matters is acquired, under section 18 of the Civil Transactions Act, before the date of birth. The criminal responsibility

is regulated by sections 8-18 of the Criminal Act, and the civil responsibility is regulated by sections 22-24 of the Civil Transactions Act.

Article 17

122. Arbitrary or unlawful interference with privacy, family, home or correspondence and unlawful attacks on honour and reputation are prohibited by law in the Sudan. More specifically, invasion of privacy is a criminal offence under section 166 of the Criminal Act, as already explained, in addition to its being a cause of action in civil litigation. Also, attacks on honour and reputation are offences under sections 114 and 157 of the same Act.

123. The Government authorities competent to authorize such interference is the Minister of Justice or his authorized attorneys, while general searches can only be ordered by the courts.

124. Another practical and legal application of the protection accorded to privacy is section 9 of the Evidence Act which makes illegally obtained evidence inadmissible in the courts.

Article 18

125. Freedom of thought, conscience and religion is vital to the Sudan because the Sudan is a multicultural, multi-ethnic and multi-religious State. A practical application of such freedom is the exclusion of the 10 southern states from the application of Islamic Laws by section 5 of the Criminal Act, since not all citizens in those 10 states are Muslims, despite the fact that Muslims number more than the Christians in those states.

126. In personal matters like marriage and inheritance, different laws apply: Muslims are governed by Islamic Laws and Christians by laws of their own choice, and other ethnic or religious groups by their own customs and traditions.

127. Manifestation of religion or belief is subject only to limitations prescribed by law and which are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others. For example, the Criminal Act makes instigation of hatred among the different ethnic and religious groups a criminal offence. Also, the same Act does not make conversion from Islam an offence, but only the manifestation of such conversion if such manifestation adversely affects public safety.

128. Furthermore, the existence of different religions in the Sudan and the prevailing tolerance is evidenced by the legal regime guaranteeing religious tolerance in the Sudan (annex 31), and the list of churches and their institutions in Khartoum State (annex 32) which justifies the fact that most of the imported printed material is Christian in nature.

129. Since the repeal of the Missionary Societies Act of 1962 there are no procedures that have to be followed for the legal recognition and authorization of various religious denominations in the Sudan.

130. The rights and duties in the country are based on nationality, not only religious denominations, and, therefore, the identity cards of the citizens do not show their religion.

131. In the Sudan there is no conscientious objection to military service because military service is voluntary.

132. Islam is taught in all government schools for Muslims and Christianity for Christians.

Article 19

133. Everyone in the Sudan has the right to hold opinions without interference. This right is enshrined in the Holy Quran where Almighty God says "there is no compulsion in Religion". The same right is further reiterated in the Seventh Constitutional Decree, the Thirteenth Constitutional Decree, the Public Elections Act and the Political Charter.

134. According to the Press and Printed Materials Act (annex 33), every person in the Sudan has the right to freedom of expression; this right includes freedom to seek, receive and impart information and ideas of all kinds, in writing or in print. The exercise of such rights carries with it special duties and responsibilities; it has therefore been subjected to certain restrictions provided for by the Press and Printed Materials Act. They are necessary for the respect of the rights and reputations of others and for the protection of national security, public order, public health and morals.

135. There are cases of persons arrested or detained because of the expression of views where such expression is at the same time a criminal offence under the Criminal Act. A case in point is the case of the editor-in-chief of Al Sudani Al Dowalia daily newspaper. The Government later abandoned its right to pursue prosecution, and the punishment was confined to withdrawing the licence of the daily newspaper under the Press and Printed Materials Act.

136. There is a detailed legal regime regulating ownership and licensing of the press and printed materials, contained in the above-mentioned Act. The main idea behind such regulation is to make sure that the entities of the press and publishing are public companies whose shares are owned by a wide sector of the community, so that such entity would not be confined to expressing the ideas of one family or one person. This explains why no individual person is allowed to own more than 10 per cent of the shares of such entities. The idea is very similar to the idea of anti-trust laws designed to safeguard against monopoly. Another regulation requires not less than 5 million Sudanese dinars (equivalent to US$ 30,000) as capital for each such entity so that its source of finance would be recognized.

137. All restrictions imposed on the ownership and licensing of the press and printed materials are of the same nature and are intended to protect and guarantee freedom of expression. There are no restrictions on the activities of journalists other than the professional requirements. Foreign journalists have free access to information, and the circulation of foreign printed media

is not restricted except for the kind of restrictions provided for under article 19 of the Covenant. Examples of foreign newspapers and periodicals that are imported and distributed in the Sudan are Asharg Al-Awsat, Al-Hayat, Al-Ahram, The Times and Newsweek.

Article 20

138. The necessary measures taken to fulfil the obligations contained in article 20 is section 64 of the Criminal Act of 1991 which incriminates any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and the amendment proposed by the Government to incriminate racial discrimination as an offence.

Article 21

139. The right of peaceful assembly is recognized in the Sudan, and it was only made a criminal offence when it endangers national security, public order or the rights and freedoms of others. In fact, the same provisions date back to the colonial era.

Article 22

140. According to the Trade Unions Act (annex 34), everyone in the Sudan (except regular forces) has the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. That Act does not prejudice, nor does it affect the guarantees provided for in the International Labour Organization Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize.

141. Establishment of political parties is not allowed because of the negative experience the Sudan has witnessed with political parties since its independence in 1956, since such parties are a mere disguise for religious and ethnic affiliations, and they are themselves not democratically established. The political system in the Sudan is currently based on the democratic participation of all citizens in political life.

142. Under the Registration of Societies Act (annex 35), the establishment of groups working for the promotion of human rights is guaranteed.

Article 23

143. In the Sudan the family is the natural and fundamental unit of the society, and it is entitled to protection by the State. Also, the right of men and women of marriageable age to marry and to found a family is recognized by law. Furthermore, no marriage shall be entered into without the free and full consent of the intending spouses. In addition, equality of rights and responsibilities of spouses as to marriage, during marriage, and at its dissolution is ensured. In case of dissolution provision is made for the necessary protection of the mother and the child. All this is organized by the Personal Affairs Act and the Non-Muslims Marriage Act.

Article 24

144. Children are not allowed to take part in armed conflicts, since no one is allowed to join the armed forces unless he is 18 years of age.

145. Civil and criminal responsibilities of minors have already been explained. A person is only entitled to work when he attains 18 years of age.

146. There is a comprehensive welfare programme which takes full care of orphans, and to date 27,000 orphans have benefited from the programme which has just started and is intended to cover all orphans.

147. Deaths and registration of births in the Sudan is obligatory under the Registration of Births and Deaths Act.

Article 25

148. The Thirteenth Constitutional Decree and the Public Elections Act, already referred to, guarantee that every citizen shall have the right and the opportunity, without any restrictions, to take part in the conduct of public affairs and to vote and to be elected at genuine periodic elections.

149. Free access on general terms of equality to public service is guaranteed by the Public Service Act and the regulations made thereunder.

Article 26

150. In the Sudan all persons are equal before the law and are entitled, without any discrimination, to the equal protection of the law. And, as already mentioned, procedures have already started to amend the Criminal Act to incriminate discrimination in all its forms and manifestations as called for by article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, despite the fact that the Convention is binding without such amendment.

Article 27

151. The Sudan is a multi-racial, multi-religious and multicultural country, but there are no proper statistics on the percentage of each group. Muslims constitute the vast majority, and the Arabic language is the only medium of communication between the different racial groups. The federal system applied by the Government and dividing the country into 26 states is the most suitable measure adopted to preserve the ethnic, religious, cultural and linguistic identity of all minorities, as well as providing them with equal economic and political opportunities reflected in a fair sharing of power and wealth.

List of annexes*

Annex 1	Agreement Between the Egyptian Government and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Self-Government and Self-Determination for the Sudan
Annex 2	The Self-Government Statute
Annex 3	The Southern Provinces Regional Self-Government Act, 1972
Annex 4	The (Founding of Federal Government) Fourth Constitutional Decree, 1991
Annex 5	the Twelfth Constitutional Decree
Annex 6	The Thirteenth Constitutional Decree
Annex 7	The Public Elections Act
Annex 8	The Political Charter
Annex 9	The Seventh Constitutional Decree
Annex 10	Participation of Women in public office and education
Annex 11	Letter of the High Commissioner for Human Rights dated 25 April 1996
Annex 12	The Constitutional and Administrative Courts Act
Annex 13	The Treatment of Detainees Regulation
Annex 14	The Public Service Act
Annex 15	The Non-Muslims Marriage Act
Annex 16	The Passports and Immigration Act, and the Sudanese Nationality Act
Annex 17	The National Service Act
Annex 18	The Criminal Act 1991
Annex 19	Regulation for the Use of Firearms
Annex 20	Law Enforcement Officers Subjected to Criminal Proceedings because of Excessive Use of Force

* Annexes are available for consultation with the Centre for Human Rights.

Annex 21 Order of the Minister of Justice Establishing Investigation Committee for Involuntary Disappearances

Annex 22 Crimes Punishable with the Death Penalty

Annex 23 Plan of Action of Khartoum State's Committee for Human Rights Education

Annex 24 Order of the Minister of Justice Establishing the Investigation Committee for Slavery

Annex 25 Invitation to the Working Group on Contemporary Forms of Slavery

Annex 26 Statement on Slavery

Annex 27 The National Security Act

Annex 28 The Prisons System in Sudan

Annex 29 The Passports and Immigration Regulation

Annex 30 Information about Applications for Exit Visas and Deportation from the Sudan

Annex 31 A Note About the Legal Regime Guaranteeing Religious Tolerance in the Sudan

Annex 32 List of Churches and their Institutions in Khartoum State

Annex 33 The Press and Printed Materials Act

Annex 34 The Trade Unions Act

Annex 35 The Registration of Societies Act

Annex 36 Commutation of Penalties including the Death Penalty

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